

UNITED STATES OF AMERICA,)
)
 Vs.) **ORDER**
)
 JEREMY LOOSEMORE.)
)
 _____)

Findings. On September 17, 2014 a bill of indictment was issued charging Defendant with eight counts of distribution of either hydrocodone or oxycodone, in violation of 21 U.S.C. § 841(a)(1). The Defendant was initially charged with

various criminal offenses which culminated in the filing of the bill of indictment in a criminal complaint that was filed on August 13, 2014. On August 18, 2014, the undersigned held a detention hearing for the Defendant and entered an Order at that time detaining Defendant. Defendant has been in custody since August 14, 2014.

On October 22, 2014, the undersigned held an inquiry, pursuant to Rule 11 of the Federal Rules of Criminal Procedure and accepted a plea of guilty of the Defendant to that charge. At the end of the Rule 11 proceeding, the undersigned heard the Motion for Release Pending Sentencing (#15).

Discussion. 18 U.S.C. § 3143(a)(2) provides as follows:

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless ----

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

From an examination of the records in this cause, it appears Defendant has

entered a plea of guilty to count one which is a charge of possessing with intent to distribute oxycodone, a schedule II controlled substance in violation of 21 U.S.C. § 841(a)(1) and count seven which charged Defendant with possession with intent to distribute hydrocodone, a schedule III controlled substance. These crimes are crimes as set forth in 18 U.S.C. § 3142(f)(1)(C).

The undersigned made an inquiry of Assistant United States Attorney Thomas Kent as to whether or not there is going to be a recommendation that no sentence of imprisonment be imposed upon Defendant. Mr. Kent advised the Court that due to the small amount of the substance involved in the counts to which Defendant pled guilty and further due to the cooperation of the Defendant, that the Government was going to recommend that no further sentence of imprisonment be imposed upon Defendant other than the sentence he has served during the period from his arrest on August 14, 2014.

Mr. Kent further advised the Court that it was the recommendation of the Government that the Motion for Release Pending Sentencing (#15) be allowed.

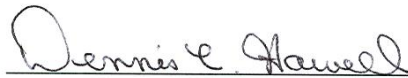
Based upon the statements of the Assistant United States Attorney, the undersigned finds that the Government will recommend that no further sentence of imprisonment be imposed upon the Defendant. Based upon the recommendation of the Government, the undersigned finds by clear and convincing evidence the

Defendant is not likely to flee or pose a danger to the safety of any other person or the community. As a result of the aforementioned findings, the Motion for Release Pending Sentencing (#15) will be allowed.

ORDER

IT IS, THEREFORE, ORDERED, that the Motion for Release Pending Sentencing (#15) is **ALLOWED** and the undersigned will enter an Order releasing the Defendant on terms and conditions of presentence release.

Signed: October 29, 2014

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Dennis L. Howell
United States Magistrate Judge

